

**Court of Appeals, State of Michigan**

**ORDER**

FRANCIS M BOOTH V CLINTON MACHINE COMPANY

Docket No. 278004

LC No. 05-000143

Karen M. Fort Hood  
Presiding Judge

Helene N. White

Michael J. Talbot  
Judges

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The Court orders that the motion to file a reply to the answer is GRANTED.

In lieu of granting leave to appeal, we REMAND to the WCAC for reconsideration. The magistrate's decision cites considerable evidence in addition to the testimony of Dr. Hoekstra; yet the WCAC reversed the magistrate's decision on the basis that the magistrate relied exclusively on Dr. Hoekstra's testimony, which testimony did not justify closing the award of benefits. The matter is remanded for reconsideration of the appeal under *Mudel v Great Atlantic & Pacific Tea Co*, 462 Mich 691, 698-699 (2000). On remand, the WCAC should also address defendant's claim that plaintiff rejected a reasonable offer of employment.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

NOV 13 2007

Date

*Sandra Schultz Mengel*  
Chief Clerk